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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,287	09/11/2003	Aimo Seppanen	032221-041	5597

21839 7590 06/30/2004

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EXAMINER

POE. MICHAEL I

ART UNIT	PAPER NUMBER
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1732

DATE MAILED: 06/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

10/659,287

Applicant(s)

SEPPANEN, AIMO

Examiner

Michael I Poe

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 6-8 and 16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 9-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 20030911, 20031230.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. U.S. Patent No. 4,723,900 to Vuorenoja has been listed as not being considered by the examiner as part of the Information Disclosure Statement filed on September 11, 2003 (see form PTO-1449 labeled Paper # 20030911). However, it is noted that U.S. Patent No. 4,723,900 to Vuorenoja **has been considered** by the examiner as part of the Information Disclosure Statement filed on December 30, 2003 (see form PTO-1449 labeled Paper # 20031230).

Election/Restrictions

3. Applicant's election with traverse of Group I, claims 1-5 and 9-15, in the reply filed on May 20, 2004 is acknowledged. The traversal is on the ground(s) that it would not be a serious burden on the examiner to examine all of the claims simultaneous because the searches would be coextensive. This is not found persuasive because the search for all of the claims simultaneously would not be coextensive and would be a serious burden on the examiner. Specifically, the search for all of the claims simultaneously would require additional searches for the apparatus claims in class 425 that would not be required for the search for the elected method claims.

The requirement is still deemed proper and is therefore made FINAL.

4. Claims 6-8 and 16 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on May 20, 2004.

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Specification

5. The disclosure is objected to because of the following informalities: (1) the references to specific claims in the disclosure should be deleted as claim number may change during the prosecution of the instant application (see, for example, the 3rd paragraph on page 2).

Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-5 and 9-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-5 and 9-15 are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. Specifically, the terminology used throughout the claims varies and clear antecedent basis is not provided throughout the claims. For example, the product formed by the horizontal slip-form casting process is referred to in various locations in the claims in at least five different ways (i.e., a hollow-core concrete product, a concrete slab, a concrete slab product, a concrete product and a slab). The claims would be clearer if consistent terminology was used throughout the claims and clear antecedent basis was provided in the claims.

Allowable Subject Matter

8. Claims 1-5 and 9-15 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

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9. The following is a statement of reasons for the indication of allowable subject matter:

- (1) The prior art of record does not teach or suggest the claimed method for fabricating a hollow-core concrete product in a substantially horizontal slip-form casting process, as a whole, especially including measuring the top surface height level and profile of the concrete product and, on the basis of the measurements, moving or tilting a feed trough located below a feed means (e.g., an auger) during the casting process to control the relative proportion of the concrete mix flowing to the upper or lower layer of the concrete product.
- (2) Although it is known in the art to provide guide plates or feed troughs below feed means or augers to eliminate faults during a horizontal slip-form casting process (see, for example, column 2, lines 16-25 of U.S. Patent No. 4,202,658 to Abonen), there is no teaching or suggestion in the prior art to further control these faults by moving or tilting the guide plates or feed troughs relative to the feed means or augers in response to measured values of the top surface height level and profile of the concrete product formed by the slip-form casting process as claimed.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent No. 3,212,127 (Flook, Jr. et al.), U.S. Patent No. 3,792,133 (Goughnour), U.S. Patent No. 4,022,556 (Goetjen), U.S. Patent No. 4,202,658 (Abonen), U.S. Patent No. 4,773,838 (Seppanen), U.S. Patent No. 5,023,030 (Rantanen), U.S. Patent No. 5,198,235 (Reichstein et al.) and U.S. Patent No. 5,618,476 (Mogel) have been cited of interest to show the state of the art at the time the invention was made.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael I Poe whose telephone number is (571) 272-1207. The examiner can normally be reached on Monday through Friday.

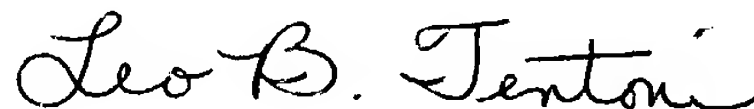
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Colaianni can be reached on (571) 272-1196. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Michael Poe/mip



LEO B. TENTONI
PRIMARY EXAMINER
ART UNIT 10732